

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

MARKEL DASEAN MILLER,

Petitioner,

v.

TOM GRAMIAK,

Respondent.

CIVIL ACTION NO. 5:15-CV-252 (MTT)

ORDER

United States Magistrate Judge Charles H. Weigle recommends granting the Respondent's motion to dismiss the Petitioner's Section 2254 habeas petition as untimely. (Doc. 14). The Magistrate Judge also recommends denying a certificate of appealability because the Petitioner has not made a substantial showing of the denial of a constitutional right. The Petitioner has not filed an objection to the Recommendation. The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Respondent's motion (Doc. 11) is **GRANTED**, the petition is **DISMISSED**, and a certificate of appealability is **DENIED**. Additionally, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. See 28 U.S.C. § 1915(a)(3). Accordingly, any motion to proceed *in forma pauperis* on appeal is **DENIED**.

SO ORDERED, this 2nd day of May, 2016.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT